

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOYCE FRANCES STARK,

Plaintiff,

v.

C R ENGLAND, INC.,

Defendant.

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CIVIL ACTION NO. 3:08-CV-0181-B


MEMORANDUM ORDER

This case is a companion to, *Coleman v. C.R. England, Inc.*, Cause No. 3:08-CV-0180-B. The relevant facts and legal issues in the two cases are identical. Before the Court in this action is Defendant C.R. England, Inc.'s (hereinafter, "CRE") Motion for Summary Judgment (doc. 19), filed October 31, 2008. CRE moves for summary judgment on Plaintiff Joyce Frances Stark's (hereinafter, "Stark") claims filed pursuant to the Family Medical Leave Act, 29 U.S.C. § 2901 and the TEX. LABOR CODE ANN. § 451.001. In actuality, Stark's purported Texas Labor Code claim was never pled by Stark - the same problem plaguing Plaintiff Coleman in the companion cause.

Having considered the Motion and the briefing of the parties, the Court finds that it should be and hereby is **GRANTED** to the extent discussed in this Court's March 27, 2009 order granting CRE's motion for summary judgment in *Coleman v. C.R. England, Inc.*, Cause No. 3:08-CV-0180-B (doc. 27). The reasons set forth in that order are adopted herein. Accordingly, CRE's motion for summary judgment being granted as to Stark's sole claim, this cause is **DISMISSED**.

SO ORDERED.

SIGNED March 27, 2009



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE